

# **EXHIBIT 12**

## **ATTACHMENT 33**

## **EXHIBIT 24**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

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)Case No.:

)5:14-cv-05344-BLF

)(PSG)

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VIDEOTAPED DEPOSITION OF PRADEEP KUMAR KATHAIL

Palo Alto, California

Friday, May 27, 2016

Volume 1

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Reported by:

RACHEL FERRIER, CSR No. 6948

Job No. 2307792

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<div>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3 SAN JOSE DIVISION 4 _____ 5 ) 6 CISCO SYSTEMS, INC., ) 7 ) 8 Plaintiff, ) 9 ) 10 vs. )Case No.: 11 )5:14-cv-05344-BLF 12 ARISTA NETWORKS, INC., )(PSG) 13 ) 14 Defendant. ) 15 _____ 16 17 18 19 20 21 22 23 24 25</div> <div>13 VIDEOTAPED DEPOSITION OF PRADEEP KUMAR KATHAIL, 14 VOLUME 1, taken on behalf of the Defendant, at Wilson 15 Sonsini Goodrich &amp; Rosati, Palo Alto, 601 California 16 Avenue, California, beginning at 9:27 a.m. and ending at 17 3:39 p.m. on Friday, May 27, 2016, before 18 RACHEL FERRIER, Certified Shorthand Reporter No. 6948. 19 20 21 22 23 24 25</div> <div>Page 2</div>	<div>1 APPEARANCES (continued): 2 3 For Defendant: 4 KEKER &amp; VAN NEST 5 BY: DAVID J. SILBERT 6 Attorney at Law 7 633 Battery Street 8 San Francisco, California 94111 9 415.676.2261 10 dsilbert@kvn.com 11 12 For Defendant: 13 WILSON SONSINI GOODRICH &amp; ROSATI 14 BY: BEN LABOW 15 Attorney at Law 16 One Market Plaza 17 Spear Tower, Suite 3300 18 San Francisco, California 94105 19 415.947.2077 20 blabow@wsgr.com 21 22 23 Also Present: 24 JORDAN BOCK 25</div> <div>Page 4</div>
<div>1 APPEARANCES: 2 3 For Plaintiff: 4 QUINN EMANUEL URQUHART &amp; SULLIVAN LLP 5 BY: JORDAN JAFFE 6 Attorney at Law 7 50 California Street, 22nd Floor 8 San Francisco, California 94111 9 415.875.6600 10 jordanjaffe@quinnemanuel.com 11 12 And 13 KIRKLAND &amp; ELLIS LLP 14 BY: REZA DOKHANCHY 15 Attorney at Law 16 555 California Street 17 San Francisco, California 94104 18 415.439.1469 19 reza.dokhanchy@kirkland.com 20 21 22 23 24 25</div> <div>Page 3</div>	<div>1 APPEARANCES (Continued): 2 3 Videographer: 4 RAMON PERAZA 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div> <div>Page 5</div>

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<div>1 INDEX (Continued):</div> <div>2</div> <div>3 INSTRUCTION NOT TO ANSWER</div> <div>4 Page Line</div> <div>5 130 16</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 11</div>	<div>1 Bock, who is a law student and summer associate at our</div> <div>2 firm.</div> <div>3 MR. LABOW: Ben Labow from Wilson Sonsini on</div> <div>4 behalf of Arista.</div> <div>5 MR. JAFFE: Jordan Jaffe of Quinn, Emanuel on</div> <div>6 behalf of the plaintiff, Cisco, and the witness.</div> <div>7 MR. DOKHANCHY: Reza Dokhanchy from Kirkland &amp;</div> <div>8 Ellis on behalf of Cisco.</div> <div>9 THE VIDEOGRAPHER: The Court Reporter may now</div> <div>10 swear in the witness.</div> <div>11 PRADEEP KUMAR KATHAIL,</div> <div>12 having been administered an oath, was examined and</div> <div>13 testified as follows:</div> <div>14 EXAMINATION</div> <div>15 BY MR. SILBERT:</div> <div>16 Q Good morning, sir.</div> <div>17 A Good morning.</div> <div>18 Q Could you please state your name for the record.</div> <div>19 A Pradeep Kumar Kathail.</div> <div>20 Q Mr. Kathail, you have been deposed before; is</div> <div>21 that correct?</div> <div>22 A Yes.</div> <div>23 Q You were deposed in the ITC proceedings between</div> <div>24 Cisco and Arista?</div> <div>25 A Yes.</div> <div>Page 13</div>

<p>1 you came up -- you refer to a couple, makes sense and</p> <p>2 using the right words.</p> <p>3 What -- can you explain to me what criteria you</p> <p>4 used when you came up with the words to be used in a CLI</p> <p>5 command?</p> <p>6 MR. JAFFE: Objection; calls for speculation,</p> <p>7 vague.</p> <p>8 THE WITNESS: Most of the time, you want to make</p> <p>9 sure that the words are such that they are</p> <p>10 self-explanatory -- okay? -- as well as they are the</p> <p>11 terminology you are using from the networking world.</p> <p>12 BY MR. SILBERT:</p> <p>13 Q Okay. Any others criteria that come to mind?</p> <p>14 A No. Then we have the whole group which reviews</p> <p>15 them and bunch of things happen, so.</p> <p>16 MR. SILBERT: Okay. Thank you very much, sir. I</p> <p>17 have no further questions for you.</p> <p>18 THE WITNESS: Okay. Thank you.</p> <p>19 MR. JAFFE: I just have a couple quick questions.</p> <p>20 EXAMINATION</p> <p>21 BY MR. JAFFE:</p> <p>22 Q When you were just talking with Mr. Silbert about</p> <p>23 the time that you created CLI commands, you said it was</p> <p>24 a long time ago.</p> <p>25 About how long ago was it?</p> <p>Page 194</p>	<p>1 these commands -- personally, I don't remember mine, but</p> <p>2 I know that when these commands go through the review --</p> <p>3 okay? -- there's a lot of discussion goes back and</p> <p>4 forth, not only on the words but also on the syntax,</p> <p>5 what the word location is, why the word location is, and</p> <p>6 whether do we need that word or whether we can get that</p> <p>7 kind of information from previous commands which were</p> <p>8 issued, so there's a lot of discussion goes around it.</p> <p>9 Q The other question I had for you is, earlier</p> <p>10 today, this morning, you mentioned -- referring to</p> <p>11 Cisco's CLI as the gold standard, and I just wanted to</p> <p>12 ask what you meant by that?</p> <p>13 A The gold standard, meaning there is few things</p> <p>14 which our customer expects. Okay? But our -- and some</p> <p>15 of them we define -- I just described it when defining</p> <p>16 the CLI command. Okay? Some of those things are that,</p> <p>17 through the CLI, you are not asking repeatedly the same</p> <p>18 information which I have given you in the previous</p> <p>19 command, just as an example. Okay?</p> <p>20 The other thing is that the CLI is very</p> <p>21 informative. Okay? You can get all that information</p> <p>22 from CLI.</p> <p>23 So those are the things that industry expects a</p> <p>24 common-line interface to have. Okay? And Cisco CLI is</p> <p>25 being used as the bar to match when people talk about</p> <p>Page 196</p>
<p>1 A Probably when I joined Cisco, so '98, '99, 2000.</p> <p>2 That will be the time.</p> <p>3 Q And you mentioned that it would take a couple</p> <p>4 weeks to -- to work on the structure or syntax of the</p> <p>5 command.</p> <p>6 Do you consider many different alternative</p> <p>7 structures during those couple weeks?</p> <p>8 A Yeah. That -- this is the whole process, where</p> <p>9 you come up with a CLI command. You review it with a</p> <p>10 whole set of group. You sometimes may even talk to the</p> <p>11 customer saying, "Does this make sense or not?" And</p> <p>12 then you go back and update based on the feedback.</p> <p>13 Q And you mentioned, when Mr. Silbert asked you</p> <p>14 about make sure that the words are such that they are</p> <p>15 self-explanatory, what did you mean by that?</p> <p>16 A You want to use the words where customer doesn't</p> <p>17 have to go through and read a dictionary to say what</p> <p>18 does that word mean. So we want to make sure that they</p> <p>19 are coming from vocabulary which networking users use</p> <p>20 day in and day out, so you want to use very known,</p> <p>21 familiar words.</p> <p>22 Q Did you recall that you ever proposed any words</p> <p>23 and then other words were substituted in after review</p> <p>24 within Cisco?</p> <p>25 A I really don't remember, but I know that when</p> <p>Page 195</p>	<p>1 the CLI or other customer -- other competitors' CLI.</p> <p>2 MR. JAFFE: Okay. I don't have any further</p> <p>3 questions.</p> <p>4 MR. SILBERT: Nothing further.</p> <p>5 THE VIDEOGRAPHER: This is the end of today's</p> <p>6 deposition of Mr. Pradeep Kathail.</p> <p>7 We are off the record at 3:38 p.m. and the total</p> <p>8 number of media used was three and it will be retained</p> <p>9 by Veritext. Thank you.</p> <p>10 (Recess taken.)</p> <p>11 MR. JAFFE: We are back on the record just</p> <p>12 briefly so I can specify that the witness reserves his</p> <p>13 right to read and sign.</p> <p>14 (TIME NOTED: 3:39 P.M.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 197</p>



<p>1 I, PRADEEP KUMAR KATHAIL, do hereby declare</p> <p>2 under penalty of perjury that I have read the foregoing</p> <p>3 transcript; that I have made any corrections as appear</p> <p>4 noted, in ink, initialed by me, or attached hereto; that</p> <p>5 my testimony as contained herein, as corrected, is true</p> <p>6 and correct.</p> <p>7 EXECUTED this ____ day of _____,</p> <p>8 2016, at _____, _____.</p> <p>9 (City) (State)</p> <p>10</p> <p>11 _____</p> <p>12 PRADEEP KUMAR KATHAIL</p> <p>13 VOLUME 1</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 198</p>	
<p>1</p> <p>2</p> <p>3</p> <p>4 I, the undersigned, a Certified Shorthand</p> <p>5 Reporter of the State of California, do hereby certify:</p> <p>6 That the foregoing proceedings were taken before</p> <p>7 me at the time and place herein set forth; that any</p> <p>8 witnesses in the foregoing proceedings, prior to</p> <p>9 testifying, were placed under oath; that a verbatim</p> <p>10 record of the proceedings was made by me using machine</p> <p>11 shorthand which was thereafter transcribed under my</p> <p>12 direction; further, that the foregoing is an accurate</p> <p>13 transcription thereof.</p> <p>14 I further certify that I am neither financially</p> <p>15 interested in the action nor a relative or employee of</p> <p>16 any attorney or any of the parties.</p> <p>17 IN WITNESS WHEREOF, I have this date subscribed</p> <p>18 my name.</p> <p>19</p> <p>20 Dated: 06/06/2016</p> <p>21</p> <p>22</p> <p>23 </p> <p>24 RACHEL FERRIER</p> <p>25 CSR No. 6948</p> <p>Page 199</p>	